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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,939	08/31/2001	Cedric K. R. H. Bouleau	59.0054	2051

7590 04/20/2005

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EXAMINER

NGUYEN, NHON D

ART UNIT

PAPER NUMBER

2179

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/943,939	BOULEAU, CEDRIC K. R. H.	
	Examiner Nhon (Gary) D Nguyen	Art Unit 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 06 December 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-3, 6-39 and 43-48 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-3, 6-39 and 43-48 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____

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DETAILED ACTION

1. This communication is responsive to amendment, filed 12/06/2004.
2. Claims 1-3, 6-39 and 43-48 are pending in this application. Claims 1, 18, 27, 33, 39, 45-48 are independent claims. In this amendment, claims 4, 5 and 40-42 are canceled, claims 1, 18, 26—33, 39, 45 and 46 are amended, and no claim is added. This action is made non-final.

Claim Rejections - 35 USC § 101

3. Claims 1-3, 6-17, 33-38 and 45-48 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Referring to claim 1-3, 6-17, 45 and 46, a system or apparatus for dynamically modifiable user interface is non-statutory since it is not tangibly embodied in a manner so as to be executable as the only hardware is in an intended use statement.

Referring to claims 33-38, the alleged computer program product does not necessarily include hardware; therefore, the claim is non-statutory and should be rejected under 101 as not being tangible.

Referring to claims 47 and 48, “a signal embodied in a carrier wave” is non-statutory and should be rejected under 101 as not being tangible since “a signal embodied in a carrier wave” is incapable of being touched or perceived.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, 6-39 and 43-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Carroll, JR (“Carroll”, US 2002/0085020).

As per independent claims 1, 18, 27, 33, 45, 47, and 48, Carroll teaches a computer implemented method and corresponding system for providing a dynamically modifiable user interface comprising the steps/means:

a UI view definition for a user interface (page 3, [0054] and fig. 22, page 14, [0270]); and

a UI view manager operable to dynamically generate the user interface from the UI view definition (page 5, [0167]), wherein the UI view manager instantiates a wrapped control as part of the user interface (page 3, [0059] and page 5, [0189]), the control being wrapped includes a communication interface to dynamically communicate with the UI view manager, and wherein the UI view manager is operable to dynamically add a new wrapped control to the user interface (page 7, [0212] and page 9, [0243]) or to dynamically remove an existing control from the user interface (fig. 22, page 14, paragraph 270).

As per claim 2, which is dependent on claim 1, Carroll teaches the wrapped control comprises:

a control (page 7, [0214]), a wrapper (page 3, [0059]), and the UI view manager instantiates the wrapped control by providing the control as part of the user interface using the wrapper (page 12, [0256] – page 13, [0263]).

As per claim 3, which is dependent on claim 1, Carroll teaches the user interface comprises a plurality of controls, the wrapped control being one of the controls (e.g. fig. 19).

As per claims 19, 28 and 34, Carroll teaches the UI view manager is operable to dynamically add a new wrapped control to the user interface (page 7, [0212] and page 9, [0243]).

As per claims 21, 30 and 36, Carroll teaches the user interface includes a plurality of controls (e.g. fig. 19); and it is inherent in Carroll system that the UI view manager is operable to dynamically remove an existing control of the controls from the user interface using the GUI builder application (fig. 22).

As per claims 6, 20, 29 and 35, Carroll teaches the UI view manager is operable to dynamically change a function of the wrapped control (page 9, [0244]).

As per claim 7, which is dependent on claim 1, it is inherent in Carroll's system to comprise a UI container, wherein the user interface is provided within an environment provided by the UI container.

As per claim 8, which is dependent on claim 1, Carroll teaches the UI view manager provides the wrapped control as part of the user interface by including a user interface element of the wrapped control in the user interface (page 7, [0210]).

As per claim 9, which is dependent on of claim 1, Carroll teaches the UI view manager instantiates the wrapped control as part of the user interface by:

providing functionality of the wrapped control to be performed in response to activating a user interface element of the wrapped control in the user interface (page 7, [0210] and page 12, [0256] – page 13, [0263]).

As per claim 10, which is dependent on claim 1, Carroll teaches the wrapped control comprises:

code to implement a control interface, wherein the implementation of the control interface enables the UI view manager to invoke some behavior of the wrapped control by invoking methods of the implementation of the control interface (page 7, [0210] and page 12, [0256] – page 13, [0263]).

As per claim 11, which is dependent on claim 1, Carroll teaches the UI view manager contains an implementation of a UI view interface and the wrapped control invokes function of the UI view interface implementation of the UI view interface to communicate with the UI view manager (page 7, [0210] and page 12, [0256] – page 13, [0263]).

As per claim 12, which is dependent on claim 1, Carroll teaches the UI view manager is operable to dynamically generate the user interface in response to a change to the UI view definition (page 14, [0268]).

As per claim 13, which is dependent on claim 1, Carroll teaches: a user interface designer for providing a UI view definition (page 8, [0236]).

As per claim 14, which is dependent on claim 1, Carroll teaches the UI view definition corresponds to an XML file (fig. 17).

As per claim 15, which is dependent on claim 1, Carroll teaches the UI view definition comprises a control definition for the wrapped control, wherein the control definition specifies a user interface element of the wrapped control and a program identifier of code to provide functionality of the wrapped control (page 9, [0243] and [0244]).

As per claims 16 and 17, Carroll teaches the UI view definition comprises a panel definition for a panel of the user interface, wherein the panel definition comprises a control definition for a control to be presented in the panel, wherein the control definition specifies a user interface element of the control and a program identifier of code to provide functionality of the control (page 13, [0264]).

As per claims 22, 23, 31, 32, 37, 38, 43, and 44, Carroll teaches:

sending a message to and receiving a message from the wrapped control via a control interface associated with the wrapper (page 8, [0220] and page 10, [0247]).

As per claim 24, which is dependent on claim 18, Carroll teaches creating a wrapper comprises implementing at least one function of a control interface (page 9, [0244]).

As per claim 25, which is dependent on claim 24, Carroll teaches the at least one function is a function to cause the control to load a property of the control from the UI view definition (fig. 13; pages 7 and 8, [0214]).

As per claim 26, which is dependent on claim 18, Carroll teaches: generating a UI view manager by implementing at least one function of an UI view interface the function create a user interface panel for housing controls, a sixth function to create a user interface panel for adding a control to a user interface panel (page 13, [0264]).

As per independent claim 39, it is a combination of claims 1 and 12; therefore, it is rejected as set for in the rejection of claims 1 and 12, combined.

As per independent claim 46, it is a combination of claims 1 and 2; therefore, it is rejected as set for in the rejection of claims 1 and 2, combined.

Response to Arguments

6. Applicant's arguments filed 12/06/2004 have been fully considered but they are not persuasive.

Applicant argued that Carroll does not teach providing a means for each control to communicate with the user interface.

Examiner disagrees for the following reasons. Carroll does teachs the classes within the Java's AWT and Swing libraries act as wrapper to the user interface XML control elements (components) (page 3, paragraph 59 and page 5, paragraph 189) and these wrapper must dynamically communicate with graphical user interface presentation manager (UI view manager) for creating graphical user interface components as illustrated in fig. 22, page 14, paragraph 270.

Inquiries

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon (Gary) D Nguyen whose telephone number is (571)272-4139. The examiner can normally be reached on Monday - Friday with every other Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R Herndon can be reached on (571)272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nhon (Gary) Nguyen
April 14, 2005

BA HUYNH
PRIMARY EXAMINER